3: Barrett E-5 (1908-1909)1925
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against the law. The offenders were, in this case, a man and a woman. The man had deserted his wife and child after abusing them for a considerable time and had assumed relations with a young widow. He had therefore been guilty not only of infidelity and abuse, but also of violating the immutable law forbidding divorce. The woman's crime was somewhat less grave. Being a widow, she had a right to remarry, but she had no claim to the husband of another woman. In justice to the Cayapa as a tribe it should here be remarked, as has been elsewhere pointed out, that cases of infidelity, wife-desertion, and abuse are extremely rare. Almost without exception the family relations are held sacred by both men and women, and in general the relations existing between the sexes are governed by stringent laws which are regarded faithfully. In this instance both the offenders were brought to the house of the chief and were placed in the stocks where they remained during the afternoon. The man displayed no sign of emotion, but the woman wailed and chanted the greater part of the time. Both were remonstrated with by friends, and the mother of the woman sat beside her almost constantly, weeping and chanting her plaint at the disgrace that had been brought upon the family by the daughter's misconduct.

It would appear that the keeping of such offenders for many hours in the stocks is an exemplary measure and is done for the effect which it will have on the community at large. The punishment which they are to receive is often decided on long before its infliction, but they are kept in the stocks as an example to the people at large

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by Pablo himself. Pablo was furious with rage and beat both his wife and Chapiro. After being thrashed, Chapiro ran away. Pablo's wife left for her father's house to advise him of the event. Her father, Lorenzo Martín is one of the officials or /čá tala/ of the community. As an official, he was empowered to settle disputes and to order. He went to Pablo's house to obtain more details. Pablo demanded punishment for Chapiro. About four days later, Lorenzo brought Chapiro to the house of Pablo's elder brother, and charged him with the crime. Chapiro said nothing in his defense thus tacitly admitting his guilt. Lorenzo ordered one hundred and twenty strokes with the cat-o'-nine-tails, but Heverico who is Chapiro's father's brother's son ["just cousin"] claimed that the punishment was too severe, whereupon the sentence was reduced to one hundred lashes to be applied by Lorenzo. Following the punishment, everyone got drunk except Chapiro, who left right after the whipping.

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In the Cayapa view, a conflict of interest in the person of Lorenzo, the father of the seduced woman, and Lorenzo, the official, does not exist. The facts

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during the whole affair. The commission then took the girl to Alipio's house which was not too distant. After a few days, Alipio and Carmelina hid in a small shelter or rancho up a small stream. Meanwhile, the mother went to see her brother, the chief, to advise him of the event. After several days, he left with some of his male relatives, looking for the couple. They were found in Alipio's house. Arcilio punished both of them with ten lashes. Afterwards he brought Carmelina back to her mother's house, but she protested that she wanted to remain with Alipio. Alipio claimed that he had not sent for Carmelina to be brought to him because "she is crippled and not a good worker." [On this point, the informant, Pedrito Añapa, says that Alipio is not a good worker himself and cannot make high-grade canoes.]

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About a week later, Alipio's younger brother 'stole' Carmelina, and they went into hiding up an estuary, for some time. Everyone was looking for them. Alipio eventually found them and brought them to his house, whereupon they all became drunk. One result of this drunkenness was an attack by Alipio

on his brother. A few days later, the /ún^{y}i/ found them and removed Carmelina to his house, and from there she was sent to a man from the Río Onzole. In the meantime, Carmelina's brother became enamored of Alipio's sister. He 'stole' her, and they hid for a week, but were caught by Alipio when they came out of the monte. He took his sister home, declaring that she still had a lot of work to do around the house, such as making fans for sale on the coast. The young man 'stole' her again, apparently keeping her for a considerable time, at least sufficient for it to become clear that the woman was now pregnant, and so they remained together. At Punta Venado, during one of the fiestas, the /ún^{y}i/ ordered them to be whipped twenty lashes.

Carmelina was crippled, and yet she was eagerly sought after by two men, in marked contrast to Chapiro's crippled wife. The choice of marriage partners for both Alipio and Chapiro had been considerably restricted, due to their poor work habits. Alipio's brother posed something of a problem. It is not known that he was lazy also, but certainly the reputation of his

A case of double desertion and incest.

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In this case the man had forsaken his wife and for three months had been living with his first cousin, who had deserted her husband. Each of the culprits, therefore, was charged with the double crime of desertion and cohabitation with his first cousin. These are considered great breaches of tribal law and are severely punished . . . The offenders were placed in the stocks, remonstrated with by relatives and friends, and finally whipped. In this case the man received a hundred and seventy-five lashes, . . . of the cat-o'nine-tails, and in addition was required to pay a fine in money amounting to about fifteen or twenty sucres. The woman's punishment was a hundred and twenty-five lashes . . . The greater severity of the punishment in the cases of these two offenders was due to the fact that they were first cousins . . . (Barrett 1925:404-405).

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At the present time there is a good deal of variation in the handling of incest; however, it is of general concern, and anyone will report such activity that he or she has witnessed. In one instance, the parties to the affair were not even aware that they were related. Ignorance was not a valid excuse however, and both kin and non-kin hastened to make the facts public. Punishment was swift and applied equally to both parties. Punishment is not however, always equal. In some instances the initiator of the affair is considered to have greater guilt and receives heavier

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punishment, and in other cases, punishment may be reduced upon the request of family members. The balancing of relative guilt and the concern with family members for reducing the punishment are illustrated in the following two cases. 684x 696

Adultery between a woman and her son-in-law. 684x
Several years ago the mother of Buru Cimarron was whipped together with her son-in-law for making love. They were seen by her daughter. They were punished during the Easter fiesta with sixty lashes each. Next year, the same thing occurred and they were both given one hundred and ten lashes. The punishment took place in the morning. That afternoon, Buru fought with his brother-in-law, and he also hit his mother. When the /la'l/ scolded her she did not utter a word in her defense. The son-in-law claimed that she was the one who began the affair. When the sentence was to be announced, Buru shouted that his mother should not be punished as much as the man. On the other side, the family of the man pointed out that the woman was the one who started the affair and so she should receive more lashes than the man. It was decided to give them both the same amount. 684x 696.

The incestuous widow. The widow of the late /ʔnʸi/, Arcilio, became pregnant by the son of Arcilio's brother, Arcide. They were both sentenced to fifty lashes but the boys' mother complained that this was too much, and that thirty lashes would be sufficient for her son. No one spoke up for the widow, and so she received the full fifty lashes for incest, even though prior to her marriage to the late /ʔnʸi/ she and the boy were not related.

As sexual matters fall into the realm of sin for the Cayapa, a determined sinner, in the last analysis, can only be handled by God and not by law. The Cayapa are unable to cope effectively with a determined deviant, in most instances. Attitudes towards incest outside of the nuclear family seem to be changing, as illustrated in the following case.

When incest is no longer incest. Lorenzo Añapa of the Río Camerones was married to his /ápinatacúkki/, 'father's brother's daughter.' They lived together for two months and then left to attend a fiesta at Punta Venado. Camilio Blanco notified the /ʔnʸi/, Arcilio, who ordered that they each be whipped forty lashes.

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house as he. The fact that they were closely related was not brought up at all, and the adulterous relationship seems to have been uppermost in mind. His wife was the woman who had beat the adulteress. No one seems to have brought forth a specific charge; rather, the state of affairs seemed to have been known to all, and in fact, the adulterous pair knew that they would be punished during the fiesta. The /ʔiʔ/ stated that they would both have to be punished, that the man should receive ten lashes and the woman fifty. The woman had obviously prepared for this as she was well wrapped in several layers of heavy ceremonial shirts. She was taken next door to the main dwelling where she assumed the position for receiving the blows by bending forward slightly at the waist. The blows were applied heavily by one of the officials in full view of all the interested by-standers. After her punishment the woman left and sat alone in one of the cubicles on the other side of the house, the area used for sleeping. She remained there alone all day long. Eventually the man was brought into the main dwelling. There was a good deal of joking and laughter among him and the other officials. He

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bent over slightly and received two incredibly light blows. He then left and went to the house next door. Within three or four minutes the sound of a brawl was heard from that quarter. This man was beating his wife and throwing her around the room like a French Apache dancer. This went on for a few minutes more, and then several men took him off to one side and calmed him down.

Later, several people, including the *fiscal*, were asked by the writer why it was necessary to punish adultery, and, without exception, they replied that it was a sin against God. Only one Indian expressed indignation at the light sentence and punishment accorded the man. When queried, the others either smirked or laughed outright. One fellow pointed out philosophically that the officials were only looking ahead, "as their time for punishment might not be far off."

Age seems to be a mitigating factor for women, and it is felt that a young single woman should not be punished for cohabiting with a married man. It is said that by her behavior she showed that she wants a man and so should be married. Quite often cognizance will be taken of the protests of relatives of the accused in reducing punishment.

in reducing punishment.

A young fornicator defended by a cousin. A very attractive young girl who appeared to be about fifteen years of age was brought forward by Pindaleão, the Negro caretaker of the Church. She shrank back from him and appeared frightened by the whole affair. Several of the officials clustered around her, saying that she had sinned. The chief was off to one side, lying in his hammock, seemingly not paying any attention. The girl replied so softly to the charges that the writer was unable to hear the responses. One of the officials who evidently knew of the affair shouted, "It's a lie!" The punishment was set by the officials at fifty lashes; however, a man from the crowd spoke up, saying, "I am her cousin, don't punish her!" At this, there was a brief discussion by the officials, and it was agreed that the girl was too young to be whipped, but because she had slept with a man, it was felt that she wanted a husband and the officials said that one would be found for her.

The general feeling that adultery is a sin that must be punished carries through so that even if the

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cuckold declares his wife innocent, his words fall on deaf ears. Punishment, however, may be ameliorated in a very typical Cayapa fashion:

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The cuckold protests in vain. Gabriel had heard that his mother's sister's daughter had been committing adultery and he resolved to punish her during the Christmas fiesta at Punta Venado. About mid-night, a group of officials were excitedly whispering in one corner of the room. Suddenly, they left in a body and crossed the plaza to another house which was dark and quiet. They whispered among themselves for a little while and then went in as a group. Off to one side, a man and a woman were sound asleep under blankets. The man was awakened, and it was explained to him that his wife was being charged with adultery. The husband immediately protested that she was innocent, and they argued back and forth for a few minutes. While the argument was in progress, the woman awoke, and she too protested her innocence. The officials, however, were adamant, and so the couple got up, and everyone walked over to the main house. When the assembly arrived at this house, another group of officials, who looked for all the world

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as though they were having the time of their lives, dashed out and returned very shortly, dragging a set of stocks that had been stored under the late /unʸi/, Arcilio's, house. Evidently the woman was going to be displayed as a horrible example! She kept up a running argument with the officials and denied the charge. Her husband backed her up, but to no avail. She was to be whipped fifty lashes. As the charge was completely unexpected, the woman had not prepared her ceremonial skirts and only wore a thin red rayon dress. With the first blow, she yelped in pain and turned to argue with the castigator. After a pause, another blow landed with the same results. After each blow, there were long intervals, probably out of consideration for the woman's pain. While the punishment was in progress, the castigator offered the culprit a bottle of rum from which to drink. However, a woman in the audience kept exhorting him to apply the lash heavily. In addition, she shook her fist at the rum drinking culprit, shouting that she had caught her with her husband in <u>flagrante delicto</u>. The malefactor's husband made a gesture of annoyance at the woman and told her to keep quiet. When she continued

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the harangue, the husband walked over to her and pushed her roughly away. The shouts, the shoves, and the punishment continued for about an hour. The woman alternately drank from the rum bottle, rubbed her buttocks for a few seconds, assumed the appropriate position, and received the inevitable blow. Her husband kept urging lighter and fewer blows. Suddenly, the /ũn^{y}i/, who had been sprawled in his hammock, drunk and seemingly oblivious to what was going on, leaped to his feet, livid with rage; he berated the castigator for taking so long. It was decided therefore, to reduce the number of lashes. By the time the punishment was completed, the woman was quite drunk and consequently feeling little pain. Unexpectedly, a man shouted from the audience that there was too much leniency and this evil doer should receive the full sentence. An 'uncle' of the woman quickly retorted that she had been punished sufficiently. The two men exchanged angry words and fought briefly. The woman's husband, who by now was quite drunk too, took his wife by the arm, and the two of them began cavorting around the room.

Given the facts as described, one wonders if the

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woman had really been punished. Certainly, initially the intention was present, but the proceedings soon became a travesty as all of the participants became progressively drunker. It is of interest to note that only the woman was tried, and no mention at all was made of the man or men involved. It seems to have been generally accepted that she had been taking the initiative in her sexual adventures. For the Cayapa, extra-marital sexual behavior is sinful, and at the root of all sin are women. Assigning initial guilt to women sometimes requires a certain amount of mental gymnastics which is quite ludicrous as in the following instance.

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The blame is placed on the woman because she did not say no. A 'nephew' of Arcilio was single. He made love to the wife of Arcilio's son and they were seen by the /ĩnⁿi/. Arcilio, however, was "ashamed" and said nothing then but charged them during the Easter fiesta at Punta Venado. The woman blamed the man, but he in turn said that it was all her fault because all she had to do was to refuse his advances. They were both punished with eighty lashes.

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sending of a commission too expensive.

Polygyny defended as the right of the wealthy. Rosenda was tried by the late /ʔiˈ/, Arcilio. He responded to Arcilio's statement that "Jesus never ordered man to have two wives" by saying that the devil told him to get a second wife. He also pointed out that he was a very rich man and could well afford to maintain two women and that he needed two wives to help him cultivate all of his banana fields. Fifty lashes were ordered, but Rosenda protested and he was only given twenty lashes. Because of the reduction in the number of lashes, he was fined thirty sucres. [It is also said that he threatened to kill one of the officials before being sentenced.] The woman received fifty lashes and that same day was given to a man from Zapallo Grande. Later that day, the woman and her new husband were overtaken by Rosenda at San Antonio just a few miles above Punta Venado. Rosenda told the groom that he was the woman's husband, that he had been drunk and had never ordered her sent away. The man from Zapallo Grande "was somewhat stupid," and handed her over. That night, Rosenda and his wife slipped down the river past

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returned, he found that his pigs were gone. He suspected Perdomo of having taken them, and for one year he questioned residents of the area for evidence. At last he found the Negro who had bought the pigs and he identified Perdomo as the man from whom he had bought them. Lorenzo took this evidence to the late /kuʔl/, Arvilio, who returned with him and held a hearing. Perdomo was present, but said very little in his own defense as Ramón, a Negro employee of the man who had purchased the pigs, identified Perdomo as the seller. The pigs had been sold for five hundred sucres, and the /kuʔl/ ordered Perdomo to pay four hundred sucres to Lorenzo, fifty sucres to the witness, Ramón, and fifty sucres as a fine to the /kuʔl/, who had lost two days work to attend to this matter.

Perdomo was not permitted to keep any of his ill-gotten gains nor, aside from the shame of being uncovered as a thief, was he penalized in any manner. As a rule, irregularities involving pigs are settled quickly. If a pig eats the produce from someone else's garden, for instance, payment is made for the produce without question. Occasionally, however, a quarrel involving pigs may become quite serious as is seen in the following

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possible to reach, inasmuch as the religious element of sin is also a factor, and the /ún^{y}i/ cannot condone sin. He must condemn the parties involved in the polygynous marriage. The dispute does not involve a conflict of interests, as in the land cases, but rather new values that markedly conflict with traditional values. The individuals holding the new values refuse to accept an aligned decision, that is, a decision based in effect on an "alliance" with the believers of the traditional values. Ultimately, if the unilateral decision against polygyny cannot be enforced, it is superseded by de facto compromise. Thus, if the parties have been punished once but persist in their sinful behavior, further punishment is left to God, and the polygynous union may continue.

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For cases of incest and adultery, the conflict of interest, although present, is minimal. In addition, conflicting values are not an issue, as no one seriously presents a new value position that encourages incest and adulterous behavior. The nature of incest and adultery is such that a compromise solution, while not impossible perhaps, is improbable. In these cases, where sinful behavior is at issue, the official can adopt a unilateral

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